

***United States Court of Appeals
for the Second Circuit***



**BRIEF FOR
APPELLEE**

Original & Affidavit of Mailing

77-6092

To be argued by
JOAN M. DOLAN

United States Court of Appeals

FOR THE SECOND CIRCUIT

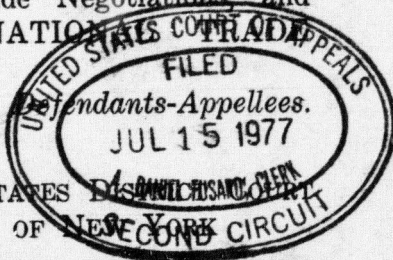
Docket No. 77-6092

SNYAKER CIRCUS, INC., BLAZER SPORTS INTERNATIONAL, INC. and BOB WOLFE ASSOCIATES, INC.,

Plaintiffs-Appellants,

—against—

JIMMY CARTER, President of the United States,
ROBERT S. STRAUSS, Special Representative for
Trade Negotiations, STEPHEN J. LANDE, Deputy
Special Representative for Trade Negotiations, and
UNITED STATES INTERNATIONAL TRADE
COMMISSION,



ON APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK

**BRIEF AND ADDENDUM FOR
DEFENDANTS-APPELLEES**

DAVID G. TRAGER,
*United States Attorney,
Eastern District of New York.*

BERNARD J. FRIED,
JOAN M. DOLAN,
*Assistant United States Attorneys,
Of Counsel.*



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United States Court of Appeals

FOR THE SECOND CIRCUIT

Docket No. 77-6092

SNEAKER CIRCUS, INC., BLAZER SPORTS INTERNATIONAL,
INC. and BOB WOLFE ASSOCIATES, INC.,

Plaintiffs-Appellants,

—against—

JIMMY CARTER, President of the United States, ROBERT
S. STRAUSS, Special Representative for Trade Negotia-
tions, STEPHEN J. LANDE, Deputy Special Representa-
tive for Trade Negotiations, and UNITED STATES INTER-
NATIONAL TRADE COMMISSION,

Defendants-Appellees.

BRIEF FOR DEFENDANTS-APPELLEES

Preliminary Statement

Upon filing a complaint in the United States District Court for the Eastern District of New York on June 2, 1977, plaintiffs-appellants ("appellants") brought on an Order to Show Cause for a temporary restraining order against the individual defendants-appellees ("appellees").

Appellants sought to enjoin execution, on behalf of the United States, of agreements with the Republics of China ("Taiwan") and of Korea, which would place an absolute quota on exports to the United States of non-rubber athletic footwear.

Both agreements have been fully executed * and are in effect. Therefore, the issue of injunctive relief against the individual appellees is moot.

Appellants also sought a judgment declaring that the procedures leading to negotiation of the agreements violated due process and the Trade Act of 1974 (19 U.S.C. § 2201, *et seq.*, the "Trade Act").

After argument, the district court (Costantino, J.) denied injunctive relief and dismissed the complaint, holding that exclusive jurisdiction rested with the Customs Court (A-4; SA).**

Thereafter, appellants filed a Notice of Appeal and moved this Court for injunctive relief pending appeal, and for an expedited appeal. The motion was denied from the bench on June 14, 1977 and an Order reflecting that decision was entered on the same day.

The single issue before this Court is whether the Customs Court has exclusive subject matter jurisdiction over this case.

Statement of Facts

This case is the latest salvo in a continuing struggle between domestic shoe manufacturers, who seek protection against competition from imports, and sellers and importers, such as appellants, who seek an unrestricted supply of foreign footwear.

In 1975, domestic producers petitioned the International Trade Commission ("ITC") to recommend to

* The agreements were executed on June 14, 1977 (Taiwan) and June 21, 1977 (Korea) (42 Fed. Reg. 32440-32443).

** References to "A" and "SA" are to appellant's Appendix and Supplemental Appendix, respectively.

the President quantitative import restrictions on non-rubber athletic footwear (A-39). The ITC held hearings after the requisite public notice. On February 20, 1976, the ITC unanimously reported to the President that "footwear . . . is being imported in such increased quantities as to be a substantial cause of serious injury" to the domestic industry within the meaning of the Act. Five of the six ITC commissioners recommended imposition of tariffs and one recommended trade adjustment assistance to domestic manufacturers and their workers (A-39-40). President Ford accepted the trade adjustment assistance recommendation and rejected tariffs.

On September 22, 1976, the Senate Finance Committee adopted a resolution calling on the ITC to consider reopening the footwear investigation (A-40).

Under the Trade Act, the ITC may not reinvestigate the same subject matter within a year of a previous investigation "except for good cause determined by the Commission to exist." (19 U.S.C. § 2251(e)). In response to the resolution of the Senate Finance Committee, the ITC met on October 5, 1976, and in accordance with the discretionary authority granted to it by the Trade Act, determined that good cause for reinvestigation did exist (A-31).

Hearings were held on December 7, 1976, after public notice (A-31) and evidence was received from, among others, importers and domestic producers. For the second time, the ITC determined that the domestic footwear industry was seriously endangered by foreign imports. The ITC reported to the President on February 8, 1977 recommending tariff relief.

As the Trade Act authorizes him to do (19 U.S.C. § 2252), the President announced on April 1, 1977 that he would not follow the tariff remedy recommended by

the ITC. Instead, the President directed negotiation of agreements, referred to in the Act as "orderly marketing agreements," with foreign exporting countries (A-37).

Also in accordance with the Trade Act (19 U.S.C. § 2253(b)(1)), the President reported the action he proposed to take, and his reasons, to the House Ways and Means Committee.

After receiving the President's directive, the Special Representative for Trade Negotiations and his Deputy negotiated orderly marketing agreements with Taiwan and Korea. When the complaint in this case was filed, basic agreements had been reached and were expected to be executed by mid-June.

The orderly marketing agreements between the United States and Taiwan and Korea were executed on June 14 and 21, 1977, respectively, and were published in the Federal Register on June 24, 1977 (42 Fed. Reg. 32440-32443).

A Presidential Proclamation dated June 22, 1977 announcing execution of the agreements was published with the agreements (42 Fed. Reg. 32430-32435). The Presidential Proclamation states:

"The Commissioner of Customs shall take such actions as the Special Representative shall determine are necessary to carry out the agreements . . ." (42 Fed. Reg. 32435).

Also published on June 24, 1977, were instructions from the Special Representative to the Commissioner of Customs. These instructions direct the Customs Service to implement the provisions of the agreements requiring the United States to count covered footwear from Korea and Taiwan and to charge each shipment against the agreed quota. The Customs Service is also directed to

enforce the export visa provisions of the agreement, which permit withdrawal for consumption in the United States only if the footwear is accompanied by a proper visa from the exporting country.

Appellants claim the agreements with Taiwan and Korea are void and unenforceable, primarily on the grounds that failure of the ITC to hold public hearings before determining good cause existed to reopen the shoe investigation was a violation of due process and that the President committed various technical violations of the Act. Appellants' allegations, we submit, are entirely without merit. With respect to the first allegation, the Trade Act requires public notice only for hearings (19 U.S.C. § 2251(c)) and leaves the "good cause" determination within the discretion of the Commission (19 U.S.C. § 2251(e)). Thus, the claimed violation of due process is frivolous. The remaining claimed irregularities are equally frivolous and we do not discuss them since they do not bear on the question of subject matter jurisdiction which is the only issue on this appeal.

We contend that, as the district court correctly held, appellants' contentions can and must be passed upon by the Customs Court, which has exclusive jurisdiction of the subject matter of this case. It is therefore respectfully urged that the decision of the District Court should be affirmed.

ARGUMENT

The District Court Was Correct In Holding That The Subject Matter Of This Action Is Within The Exclusive Jurisdiction Of The Customs Court.

Appellants' complaint is that the orderly marketing agreements with Taiwan and Korea are unlawful and may not be relied upon to prevent them from freely importing shoes. If there is any merit to this claim, which

appellees deny, it must be presented to the Customs Court because it arises under the customs laws and is within the exclusive jurisdiction of the Customs Court.

The District Courts are deprived of jurisdiction over a claim arising under the Trade Act by 28 U.S.C. § 1582(a), which provides:

"The Customs Court shall have exclusive jurisdiction of civil actions instituted by any person whose protest pursuant to the Tariff Act of 1930, as amended, has been denied . . . by the appropriate customs officer, where the administrative decision, including the legality of all orders and findings entering into the same, involves: . . .

(2) the classification and rate and amount of duties chargeable; . . .

(4) the exclusion of merchandise from entry or delivery under any provision of the customs laws. . . ."

The agreements in dispute will be administered by the Customs Service as part of the customs law of the United States, pursuant to the Trade Act, which added to and amended the Tariff Act of 1930 (see text of the Trade Act, P.L. 93-618, 1974 U.S. Code Cong. & Admin. News 2290, and legislative history of the Trade Act, 1974 U.S. Code Cong. & Admin. News 7186). Claims under the Trade Act, therefore, may not be adjudicated by the District Courts consistent with 28 U.S.C. § 1582(a).

The lawfulness of any proceedings underlying the imposition of quotas on imported shoes is a matter for decision by the Customs Court, even though appellants' challenge to the action of the ITC is based partly on due process grounds. *J.C. Penney Co., Inc. v. U.S. Treas. Dept., et al.*, 439 F.2d 63 (2d Cir. 1971), *cert. den.*, 404 U.S. 869.

In *J.C. Penney Co., supra*, this Court refused to interfere with the exclusive jurisdiction of the Customs Court simply because, as here, an importer desired to tailor a remedy more satisfactory to him than the Customs Court affords. J.C. Penney, an importer of Japanese television sets, alleged that the Treasury Department threatened to assess dumping duties based on factual findings arrived at in violation of due process. This Court upheld denial of injunctive or declaratory relief and dismissal of the complaint, stating:

"Proper administration of the customs laws requires a complete, integral, smooth-functioning system of customs law justice. Such an end could not be accomplished if customs issues were fractionalized so that the District Courts deal with certain questions such as constitutional issues arising out of customs controversies while the Customs Court concerns itself with the remaining customs issues. Courts have long recognized that the Customs Court has authority to adjudicate issues of a constitutional nature." *J.C. Penney Co., Inc. v. U.S. Treas. Dept., supra*, 439 F.2d at 66.

The same result was reached in *Consumers Union of U.S., Inc. v. Comm. for the Implementation of Textile Agreements*, — F.2d — (D.C. Cir. 1977), No. 76-1064, decided April 20, 1977.* There, textile purchasers sought a declaratory judgment and injunction against administration of a program under the Agricultural Act of 1956, as amended (7 U.S.C. § 1854), regulating the import of textiles by quota. Despite the fact that the Agricultural Act is not formally a part of the customs laws, as the Trade Act is, the Court held that under 28 U.S.C. §§ 1582

* For the convenience of the Court, a copy of this as yet unreported opinion is reproduced herein as an Addendum.

and 1340, the Customs Court had exclusive jurisdiction. The Court remanded for dismissal of the complaint, and said:

"It can hardly be doubted that quantitative limitations on imports are a part of the customs law and that import laws directed at the protection of a particular industry are part and parcel of the same general body of law. This conclusion is buttressed by the fact that the Customs Court has frequently exercised such jurisdiction." *Consumers Union of U.S., Inc. v. Comm. for Implementation of Textile Agreements*, *supra*, No. 76-1064, at 5.

Appellants contend that the above cases are not in point because, by the terms of 28 U.S.C. § 1582(a), in order to reach the Customs Court, appellants must obtain denial of a protest of an action of a Customs official and an opportunity to protest will never be available to them. Three examples should suffice to illustrate the falsity of that premise.

Since the orderly marketing agreements became effective on June 28, 1977, Customs officials have been under instructions to prohibit entry of shoes covered by the agreements unless accompanied by appropriate visas, and to count each shipment against the agreed quotas (42 Fed. Reg. 32443). First, appellants may order shipments from Taiwan or Korea without obtaining a visa, and protest refusal of entry by Customs officials. Second, appellants may protest counting shipments with visas against the quotas. Third, appellants may protest if shoes in excess of the quotas are refused entry. In any of these circumstances, and probably in others, denial of appellants' protest will insure immediate access to the Customs Court.

Because the quotas are part of United States customs law and because opportunities to file protests do exist, the cases cited in appellants' brief do not apply.

It is misleading to suggest that the main case upon which appellants rely, *Consumers Union v. Kissinger*, 506 F.2d 1136 (D.C. Cir. 1974), bears any resemblance to this case. There, voluntary agreements were obtained from foreign steel manufacturers not to ship steel into the United States in excess of certain amounts. No formal agreements were entered into between the United States and foreign governments pursuant to the Trade Act, after an investigation and report by the ITC pursuant to 19 U.S.C. § 2251, to be administered by the Customs Service as authorized by 19 U.S.C. § 2253(g), as is true here. The steel agreements were entered into without any claim of statutory authority by the President and without any involvement of the Customs Service. The issue the Court decided was that the Trade Act did not pre-empt the field, and that the President therefore had authority to enter into the steel agreements, but the agreements were neither legally binding nor enforceable. In a concurring opinion, Senior Circuit Judge Danaher likened the steel agreements to Presidential "jawboning" of domestic industries (506 F.2d at 145). The majority stated:

"[N]othing in the process leading up to the voluntary undertakings or the process of consultation under them differentiates what the Executive has done here from what all Presidents, and to a lesser extent all high executive officers, do when they admonish an industry with the express or implicit warning that action, within either their existing powers or enlarged powers to be sought, will be taken if a desired course is not followed voluntarily." *Consumers Union v. Kissinger*, *supra*, 506 F.2d at 143

A reasonable inference that may be drawn from this statement is that had the foreign steel manufacturers not adhered to the agreements voluntarily, enforceable agreements negotiated pursuant to the Trade Act might have followed. That possibility is the actuality in this case.

On the basis that the steel agreements were nothing more than non-binding statements of intent, the same Court which decided *Consumers Union v. Kissinger*, *supra*, distinguished that case in *Consumers Union of U.S., Inc. v. Comm. For the Implementation of Textile Agreements*, *supra*. Having held that a challenge to textile quotas was within the exclusive jurisdiction of the Customs Court, the Court noted (at 5-6):

"*Consumers Union v. Kissinger*, 506 F.2d 136 (D.C. 1974) is said to be the *contra*. But in that case, the 'voluntary import restraint undertakings' were not legally binding and could not be implemented by the Customs Service. *Id.* at 143. There could, as a result, never have been a decision by a Customs official upholding the restraint and opening up the protest procedure which affords access to the Customs Court. Here, however, if anyone wishes to challenge the Committee's action, he can do so as other challenges of that nature are made, i.e. as an importer . . . bringing textiles into the United States."

The appellants here can do the same, i.e., after denial of their protest, bring an action in the Customs court, thus preserving the "'complete system of corrective justice with respect to matters arising under the customs laws' [citation omitted]" which Congress intended (*J.C. Penney Co., Inc. v. United States Treas. Dept.*, *supra*, 439 F.2d at 65).

Another case upon which appellants place much reliance is *Timken Co. v. Simon*, 539 F.2d 221 (D.C. Cir. 1976), in which the Court affirmed issuance of an order enjoining the Secretary of the Treasury from refusing to impose an antidumping duty on certain imported goods. The main point of difference between that case and the instant case is that in *Timken*, the goods had already passed through Customs. Therefore, plaintiffs could no longer file protests, could not be heard by the Customs Court, and were without an adequate remedy unless the District Court had jurisdiction. If a route to the Customs Court had been open, which

“enabled *Timken* to get judicial review of the issue in the Customs Court, we would not hesitate to reverse the District Court’s assertion of jurisdiction in this case.” *Timken Co. v. Simon*, *supra*, 539 F.2d at 226.

Judicial review in the Customs Court is, of course, available to the appellants here.

Appellants have cited no authority for the proposition that the District Court has jurisdiction in this case, where the matter is clearly customs related and the Customs Court is available to provide relief.

CONCLUSION

For the above reasons and upon the record below, the order of the United States District Court for the Eastern District of New York dismissing the complaint for lack of subject matter jurisdiction should be affirmed.

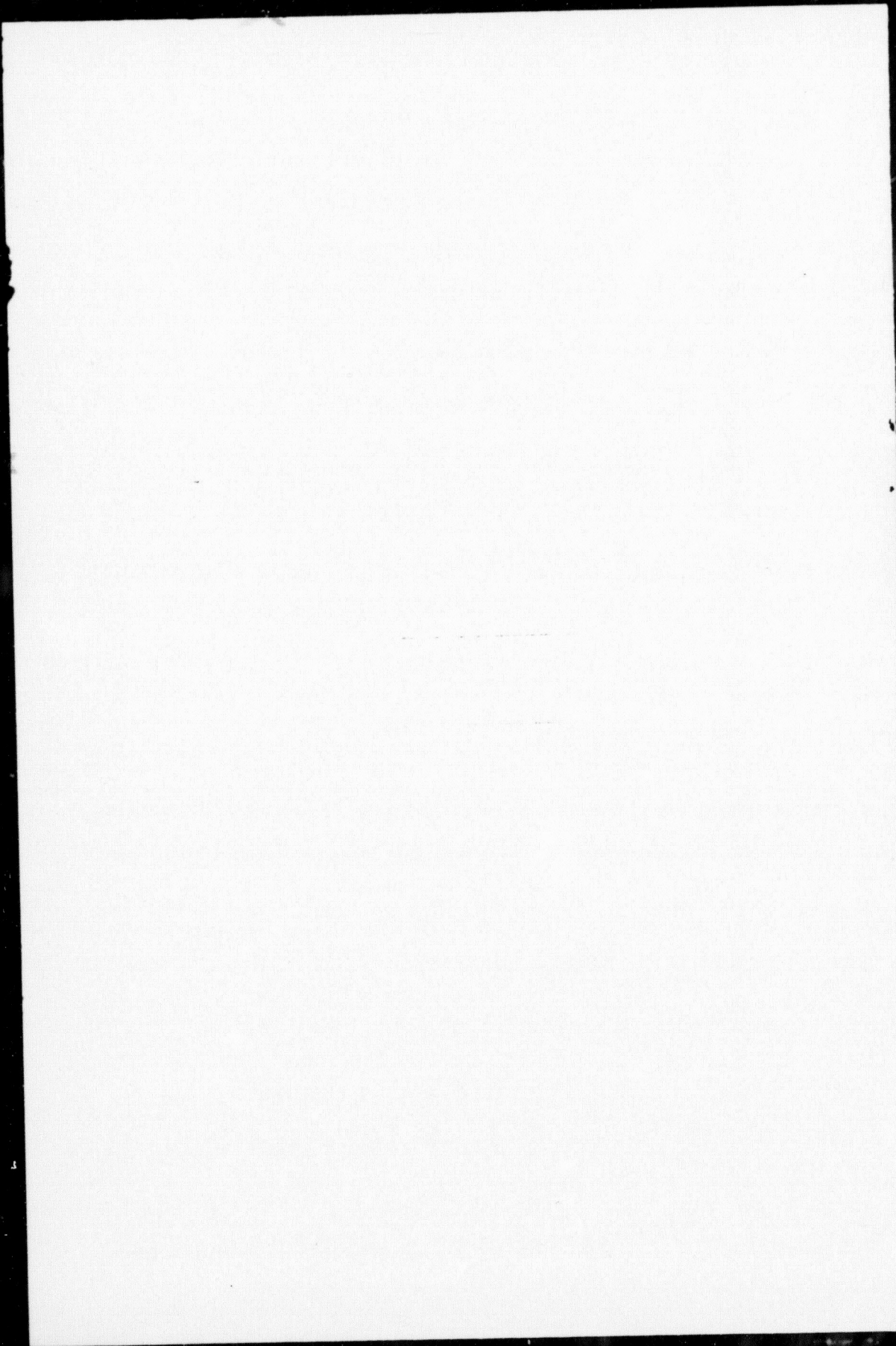
Dated: Brooklyn, New York
July 13, 1977

Respectfully submitted.

DAVID G. TRAGER,
United States Attorney,
Eastern District of New York.

BERNARD J. FRIED,
JOAN M. DOLAN,
Assistant United States Attorneys,
Of Counsel.

ADDENDUM



Notice: This opinion is subject to formal revision before publication to notify the Clerk of any formal errors in order that corrections may be in the Federal Reporter or U.S. App. D.C. Reports. Users are requested made before the bound volumes go to press.

UNITED STATES COURT OF APPEALS

FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 76-1064

CONSUMERS UNION OF UNITED STATES, INC.,
INDIVIDUALLY AND ON BEHALF OF ITS MEMBERS,
APPELLANT

—v.—

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE
AGREEMENT, c/o SETH M. BODNER, CHAIRMAN,
U.S. DEPARTMENT OF COMMERCE, ET AL. ..

Appeal from the United States District Court
for the District of Columbia

(D.C. Civil 74-968)

Argued January 26, 1977

Decided April 20, 1977

Decided April 20, 1977 ←judgment entered this date

Elden V. C. Greenberg, with whom *Richard A. Frank*
was on the brief, for appellant.

David M. Cohen, Attorney, Department of Justice for
appellees. *Rex E. Lee*, Assistant Attorney General and

Andrew P. Vance, Chief Customs Section Department of Justice at the time the brief was filed were on the brief for appellees.

Before MR. JUSTICE CLARK,* of the Supreme Court of the United States, and MACKINNON and ROBB, Circuit Judges.

Opinion for the court *Per Curiam*.

PER CURIAM: Consumers Union of United States, Inc. (Consumers Union) filed this complaint for declaratory judgment and mandatory injunction against the Committee for the Implementation of Textile Agreements (The Committee), and its four members, the Deputy Assistant Secretary of Commerce for Resources and Trade Assistance, the Deputy Director of the Office of Trade Policy of the Department of Treasury, the Associate Deputy Undersecretary of Labor for Trade and Adjustment Policy and the Assistant Chief, Fibers and Textiles Division of the Department of State. Consumers Union sought a declaratory judgment and mandatory injunction against the administration of the United States program regulating by quota the importation of textiles and textile products into the United States, as authorized by Section 204 of the Agricultural Act of 1956, as amended, 7 U.S.C. § 1854.¹

* Mr. Justice Tom C. Clark, United States Supreme Court, Retired, sitting by designation pursuant to 28 U.S.C. § 294(a).

¹ It provides:

The President may, whenever he determines such action appropriate, negotiate with representatives of foreign governments in an effort to obtain agreements limiting the export from such countries and the importation into the United States of any agricultural commodity or product manufactured therefrom or textiles or textile products, and the President is authorized to issue regulations governing the entry or withdrawal from warehouse of any such commodity, product, textiles, or textile products to carry out any such agreement.

1. *The Parties and Their Claims:*

Consumers Union is a non-profit membership organization which provides information, education and counsel about consumer goods and services and other matters affecting consumer welfare. It annually purchases in excess of \$15,000 worth of textile products for testing and other purposes. It brought this suit on its own behalf, as well as that of its members who are also purchasers and consumers of textiles and textile products. The Committee has been delegated full authority under Executive Order 11651 to supervise the implementation of the textile import quota program, including the setting of quotas, if any, on textile imports. Consumers Union alleges that the Committee, contrary to the requirements of Section 204, has failed to make determinations that imports from the countries in question have caused "market disruption" or that such restraints are needed "to eliminate real risks of market disruption", which is the purpose of the Act, and that, in addition, the Committee has failed to honor the requirements of Sections 3 and 4 of the Administrative Procedure Act, 5 U.S.C. §§ 552 and 553, in making its decisions.

The Committee contends that (1) Consumers Union has no standing to maintain its claim; (2) the matters complained of are within the exclusive competence of the Customs Court, and the District Court, therefore, had no jurisdiction; (3) judicial review of the Committee action is barred by the doctrine of separation of power; (4) the Committee was not required to follow the requirements of the Administrative Procedure Act; and finally, (5) the Committee enjoyed broad powers of discretion in implementing Section 204 and was not obliged to determine, before taking action, that the purposes of the Act were met.

2. *The Action of the District Court:*

The District Court granted the Commission's motion for summary judgment; found that the Court had jurisdiction and that Consumers Union had standing; however, it held that Section 204 came under the foreign affairs exception to the APA; and, finally, that the "Executive [is not] required to make a determination of actual or potential domestic market disruption before imposing import restraints on textiles." We reverse the judgment on jurisdictional grounds and direct that the suit be dismissed.

3. *Standing to Sue:*

We have serious doubts as to the standing of the Consumers Union to sue. The complaint alleges that the suit is brought on behalf of Consumers Union as well as its members "who are purchasers and consumers of textiles . . . which are or may be subject to quantitative import limitations . . . and Consumers Union and its members are and will be injured directly, irreparably, and in fact, in their capacity as consumers, by the imposition of restraints on the importation of textiles and textile products in the absence of legally required determinations with respect to 'market disruption' or 'real risks of market disruption'"; and that Consumers Union itself annually purchases, for testing and other purposes, in excess of \$15,000 worth of textiles and textile products which are or may be subject to "quantitative import limitations". However, this being a declaratory judgment action in which the requirements for standing are strict, *Tileston v. Ullman*, 312 U.S. 44, 45 (1943), we doubt if standing exists. The purpose of the Act is to prevent "market disruption of textiles in the United States." The textile purchases by Consumers Union are for "testing purposes", rather than for consumer use. The purpose of Section 204 would hardly be affected by the importa-

tion of \$15,000 of textiles a year for testing purposes. On application, it might well be allowed.

4. *Exclusive Jurisdiction of the Customs Court:*

However, we need not and do not pass on the question of standing since we conclude that the Customs Court has exclusive jurisdiction of such actions under 28 U.S.C. § 1582. This section places "exclusive jurisdiction [in the Customs Court] of civil actions instituted by any person whose protest pursuant to the Tariff Act of 1930, as amended, has been denied, in whole or in part, by the appropriate customs officer, where the administrative decision, including all orders and findings entering into the same, involve . . . (4) the exclusion of merchandise from entry or delivery under the provisions of the customs laws." It can hardly be doubted that quantitative limitations on imports are a part of the customs law and that import laws directed at the protection of a particular industry are part and parcel of the same general body of law. This conclusion is buttressed by the fact that the Customs Court has frequently exercised such jurisdiction. See *Yoshida International, Inc. v. United States*, 378 F. Supp. 1155 (E.D. Pa. 1974), *rev'd on other grounds*, 526 F.2d 560 (C.C.P.A. 1975); *Western Dairy Products Inc. v. United States*, 373 F. Supp. 568 (1974), *aff'd*, 510 F.2d 376 (C.C.P.A. 1975), and cases cited. *Consumers Union v. Kissinger*, 506 F.2d 136 (D.C. Cir. 1974) is said to be the contra. But in that case, the "voluntary import restraint undertakings" were not legally binding and could not be implemented by the Customs Service. *Id.* at 143. There could, as a result, never have been a decision by a Customs official upholding the restraint and opening up the protest procedure which affords access to the Customs Court. Here, however, if anyone wishes to challenge the Committee's action, he can do so as other challenges of that nature are made, i.e. as an importer or as an American manufac-

turer, producer or wholesaler, bringing textiles into the United States. The provisions of 19 U.S.C. § 1514 then come into play. It provides that "all decisions of the Collector . . . excluding any merchandise from entry or delivery under any provision of the custom laws . . ." are final unless the person aggrieved files a protest with the Collector. Upon its denial, it may bring an action contesting the refusal to allow the merchandise to enter in the Customs Court, 28 U.S.C. § 2332, and its action is reviewable by the Court of Customs and Patent Appeals. 28 U.S.C. § 2638. This exclusiveness is buttressed by 28 U.S.C. § 1340 which gives "original jurisdiction of any civil action arising under any Act of Congress" to the District Court, "*except matters within the jurisdiction of the Customs Court*" [emphasis supplied].

The judgment is therefore reversed, and the cause is remanded with instructions to dismiss the same.

It is so ordered.

AFFIDAVIT OF MAILING

STATE OF NEW YORK
COUNTY OF KINGS
EASTERN DISTRICT OF NEW YORK } ss

Delores Byrd

being duly sworn,

deposes and says that he is employed in the office of the United States Attorney for the Eastern District of New York.

That on the 15 day of July 19 77 he served a ^{copies} ~~copy~~ of the within
BRIEF AND ADDENDUM FOR DEFENDANTS-APPELLEES

by placing the same in a properly postpaid franked envelope addressed to:
Vincent & Schickler, 225 Broadway, New York, N.Y. 1007

and deponent further says that he sealed the said envelope and placed the same in the mail chute drop for mailing in the United States Court House, ^{225 Cadman Plaza East} ~~Eastern District of New York~~, Borough of Brooklyn, County of Kings, City of New York.

Sworn to before me this

15 day of July 19 77

Barbara A. Allen

BARBARA A. ALLEN
Notary Public, State of New York
No. 24-6646824
Qualified in Kings County
Commission Expires March 30, 1979

